

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33542

STATE OF IDAHO,)	2010 Unpublished Opinion No. 342
)	
Plaintiff-Respondent,)	Filed: February 4, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
DUSTIN P. TREVINO,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Steven C. Verby, District Judge.

Judgment of conviction and concurrent unified sentences of ten years, with three years determinate, for vehicular manslaughter and five years, with three years determinate, for aggravated driving under the influence, with license suspension of five years, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge, GRATTON, Judge
and MELANSON, Judge

PER CURIAM

Dustin P. Trevino was charged with vehicular manslaughter, Idaho Code § 18-4006, and with aggravated driving under the influence (DUI), I.C. § 18-8006, and was found guilty by a jury of both charges. Trevino was sentenced to concurrent unified terms of ten years, with three years determinate, for vehicular manslaughter and to five years, with three years determinate, for aggravated DUI. The district court also suspended Trevino's driver's license for five years. Trevino appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences and that the license suspension of five years is excessive.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Trevino's judgment of conviction and sentences are affirmed.